

ADVISORY OPINION 94-019

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

October 19, 1994

Kentucky Democratic Party  
c/o Mr. James Arnett  
P.O. Box 694  
Frankfort, Kentucky 40602

Dear Mr. Arnett:

Thank you for contacting the Registry. Based on the information you have provided in your September 17, 1994, letter, the facts applicable to your request may be stated as follows:

The Kentucky Democratic Party will be hosting fundraising events in order to raise money for the 1994 fall legislative races. The party is concerned about the financial contribution requirements for lobbyists under Kentucky campaign finance laws.

Based on the information you have provided, your question may be stated as follows:

Whether registered Kentucky lobbyists may contribute to political parties hosting fundraising events for legislative races.

The Legislative Ethics Commission has jurisdiction over the administration of the Kentucky Code of Legislative Ethics. In this matter, KRS 6.811 governs the ethics requirements for lobbyists concerning their activities with state legislators and legislative candidates. The Kentucky Registry of Election Finance, through KRS Chapters 121 and 121A, ensures compliance with campaign finance laws with respect to contributors and contribution limits.

Specifically, KRS 6.811(6) prohibits lobbyists from contributing to legislators, candidates for legislative office or their campaign committees. However, that statutes does not prohibit lobbyists from making a contribution to a political party, provided the lobbyist does not earmark the contribution to a particular candidate. The party, in turn, may channel the lobbyist's contribution to any legislative candidate of the party's choice.

Kentucky campaign finance laws permit contributions by individuals, political action committees (PACs), and party executive committees. Corporate contributions are prohibited by Section 150 of the Kentucky Constitution and KRS 121.025. KRS 121.150(6) allows a maximum contribution of \$500 per candidate. (Gubernatorial elections and school board elections have different contribution limits.) KRS 121.150(11) permits a contribution of "no more than \$2,500 to the state executive committee of a political party and its subdivisions and affiliates in any one (1) year."

To comply with both ethics and campaign finance laws, a lobbyist is precluded by KRS 6.811(6) and KRS 121.150(6) from individual contributions to legislative races. However, because KRS 6.811(6) does not expressly prohibit a lobbyist from contributing to political parties, a lobbyist may contribute to a party executive committee up to \$2,500 per calendar year. That committee may subsequently contribute to a legislative candidate. This activity would be commensurate with KRS 6.811(6) and KRS 121.150(11). Again, once the lobbyist contributes to the party executive committee, that lobbyist is prohibited from specifying which candidate is to receive a party contribution.

If you should have any questions, please give us a call. Thank you.

Sincerely,

Rosemary F. Center  
General Counsel

RFC/db